

Dec 27, 2018

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

JOSHUA THOMAS STONE-YATES,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:18-CV-05084-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 16, 20

BEFORE THE COURT is the parties' Stipulated Motion for Remand, ECF No. 20, of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Leisa Wolf represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS HEREBY**

ORDERED:

1. The parties' Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**.

1 2. The above-captioned case is **REVERSED** and **REMANDED** to the
2 Commissioner of Social Security for further administrative proceeding pursuant to
3 sentence four of 42 U.S.C. § 405(g).

4 On remand the administrative law judge (ALJ) shall: (i) reevaluate and
5 further develop the medical record with reconsideration of the severity of
6 Plaintiff's physical impairments, particularly migraines and chronic pain; (ii)
7 obtain a current psychological consultative examination; (iii) obtain expert medical
8 expert testimony to reconsider the nature and severity of Plaintiff's physical
9 impairments; (iv) reevaluate Plaintiff's residual functional capacity pursuant to
10 SSR 96-8p; (v) reevaluate steps four and five with the assistance of a vocational
11 expert and consider that evidence pursuant to SSR 00-4p; and (vi) issue a new
12 decision.

13 3. Judgment shall be entered for **PLAINTIFF**.

14 4. Plaintiff's Motion for Summary Judgment, **ECF No. 16**, is **STRICKEN**
15 **AS MOOT**.

16 5. Upon proper presentation, this Court will consider Plaintiff's application
17 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter**
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED December 27, 2018.

4 s/Mary K. Dimke
5 MARY K. DIMKE
6 UNITED STATES MAGISTRATE JUDGE
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